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Atty. Docket No. GRA01 P-423

#### CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

05/20/04

Date

Catherine M. Updegraff
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit

: 2835

**Applicants** 

: David M. Mitteer et al.

Appln. No.

: 10/762,837

Filing Date

: January 22, 2004

Confirmation No. :

5886

For

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THE SECOND SECURITION OF THE PROPERTY OF THE

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

# <u>UNDER 37 CFR §1.97(b)</u>

Pursuant to 37 CFR §§1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO-1449. This Information Disclosure Statement is being filed more than three months after the filing date of the above-referenced application but, to the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application.

As the Office has waived the requirement under 37 CFR §1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication, copies of the listed U.S. patent are not included with the submission of attached Form PTO 1449. Applicants respectfully request that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or

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constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 16-2463.

Respectfully submitted,

DAVID M. MITTEER ET AL.

By: Price, Heneveld, Cooper, DeWitt & Litton, LLP

5/20/04 Date

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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO. GRA01 P-423

SERIAL NO.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

**APPLICANTS** David M. Mitteer et al.

**FILING DATE** 

10/762,837

(Use several sheets if necessary)

January 22, 2004

**GROUP** 2835

## **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER											DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
						5	7	5	9	1	3	2	06/02/1998	Osborn et al.			
						5	7	1	8	3	1	2	02/17/1998	Osborn et al.			
						5	6	7	7	6	5	8	10/14/1997	Osborn et al.			
						5	4	9	4	1	4	1	02/27/1996	Osborn et al.		-	
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### **FOREIGN PATENT DOCUMENTS**

DOCUMENT NUMBER									MBI	ER		DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION		
											YES	NO						
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## OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINE	R		DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.